

CHAPTER NO. 560

HOUSE BILL NO. 2526

By Representatives Fowlkes, Coleman, Cooper

Substituted for: Senate Bill No. 2705

By Senators Norris, Black, Finney, Burks, Miller, Jackson

AN ACT to amend Tennessee Code Annotated, Section 58-2-107, relative to emergency powers of the governor.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 58-2-107, is amended by adding a new (I) as follows:

(I)

(A) If the governor of Tennessee declares an emergency in response to a catastrophic or major disaster, voluntary health care providers, including hospitals and community mental health care centers, participating in the Emergency Management Assistance Compact or Southern Regional Emergency Management Assistance Compact are immune from liability in providing such health care to victims or evacuees of such catastrophic or major disaster as long as such services are provided within the limits of the provider's license, certification or authorization, unless such act or omission was the result of gross negligence or willful misconduct.

(B) If additional medical resources are required, the governor, by executive order, may provide limited liability protection to health care providers including hospitals and community mental health care centers and those licensed, certified or authorized under titles 33, 68 or 63, and who render services within the limits of such license, certification or authorization to victims or evacuees of such emergencies, provided however that such protection may not include any act or omission caused by gross negligence or willful misconduct.

(C) The duration of such protection shall not exceed thirty (30) days, but may be extended by the governor by executive order for an additional thirty (30) days if required to ensure the provision of emergency medical services in response to the catastrophic or major disaster.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 10, 2006


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 24th day of April 2006


PHIL BREDESEN, GOVERNOR